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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/704,066
Filing Date: November 01, 2000
Appellant(s): KREIDER ET AL.

Gregory A. Welte
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/21/07 appealing from the Office action mailed 05/17/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,381,507 B1	SHIMA et al.	04-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima et al., US 6,381,507 B1, Apr. 30, 2002 (filed 5/31/00).

In reference to claim 1, Shima teaches a command pass-through functionality. Shima's system comprises the following:

-An intelligent controller that communicates with a panel subunit of a target device and inquires about various types of controls. The controller generates on its display, a human interface based on these control object descriptions, and when a user manipulates the interface, the controller sends special user events to the target device. See column 6, lines 1-45 and figure 2. Compare to ***"said processing means . . .via dynamically linked operational objects called by control objects, such that events are returned back to a calling control object"***.

-A user interface implemented within the intelligent controller that is coupled within a networked system and has basic input and display capabilities. See figure 2 and column 8, lines 14-36. Compare to ***"a plurality of pages are defined in a mark-up language that are selectively displayed and executed by a controlled browser"***.

-The intelligent controller provides a user interface for controlling events on another, remote, target device within the network. The controller communicates with the display

device and input device. The panel subunit with which the controller communicates, uses control objects stored in an object descriptor list to define the physical controls of the target device. The control objects are defined with several standard types of controls and displays that are found on electronic devices (buttons, dials, values). The panel subunit defines a set of commands which are to be applied to the controls. The commands apply to most types of controls. See column 3, lines 20-35. Compare to ***"said controlled browser is controlled by a controlling container object; active control objects for calling said operational objects are contained within said container object"***

-A panel subunit configured to receive a pass-through command code in addition to user-interaction commands. Compare to ***"a single pass-through object is created; at least one of said pages includes a page embedded control object configured to call said pass-through object;"***

-The pass-through command is received in addition to the user interaction commands. The command pass-through can be used to communicate focus navigation commands to the target such as up/down/left/right. When such command keys are pressed by the user, a pass-through command code is communicated to the target device and the device can update the user interface accordingly. See columns 3-4. Compare to ***"at least on of said pages includes a page embedded control object configured to call said passthrough object. . .an initiating one of . . .passes to said passthrough object output information detailing a desired call to a specified operational object. . .passthrough object interprets output information . . .that in turn calls the***

desired operational object; and passthrough object receives event data from. . .operational object and returns input data to said initiating embedded object indicative of said returned event."

In column 18, lines 25-37 of Shima, "The target device can be a sub panel for an intelligent television which has embedded software that requires user input, e.g., for web surfing or similar tasks." Shima teaches a pass-through functionality in a display device; however, he does not specifically state that the pages are in markup language or displayed in a browser; however, since Shima teaches that a user interface is implemented within the intelligent controller that is coupled within a networked system and has basic input and display capabilities, it would have been obvious to one of ordinary skill in the art at the time of the invention to extend Shima's system to include a "browser" and markup language pages because a browser is a user interface that is able to communicate with the network and receive pages defined by markup languages. See figure 2 and column 8, lines 14-36. Furthermore, Shima teaches that software for **web surfing** could be implemented within a television sub panel. It was typical and well known in the art at the time of the invention that web surfing utilizes both a web browser and pages in markup language, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide pass-through functionality in a display device utilizing a browser and pages in markup language since the intelligent controller includes web surfing capabilities which most often includes the use of HTTP protocol using HTML pages and requires the use of a web browser.

In reference to claims 2 and 3, Shima teaches a "self service terminal" in which a graphical display such as a CRT or LCD is used to display text, video, etc. See column 8, lines 14-67 and figure 2. Shima teaches that the self-service terminal can be any device having a display and input capability such as a PDA, cell phone, etc. This can also include an ATM or device that dispenses money or financial transactions.

In reference to claim 4, Shima teaches that a user interface is implemented within the intelligent controller that is coupled within a networked system and has basic input and display capabilities, it would have been obvious to one of ordinary skill in the art at the time of the invention to extend Shima's system to include a "browser" and markup language pages because a browser is a user interface that is able to communicate with the network and receive pages defined by markup languages. See figure 2 and column 8, lines 14-36. These markup languages can include HTML.

In reference to claim 5, Shima teaches that the pass-through command is received in addition to the user interaction commands. The command pass-through can be used to communicate focus navigation commands to the target such as up/down/left/right. When such command keys are pressed by the user, a pass-through command code is communicated to the target device and the device can update the user interface accordingly. The passthrough command is executed in the operating system. See figure 2 and columns 3-4.

In reference to claim 6, Shima's system receives a pass through command code in addition to the user interaction command code. The pass through command code is

communicated to the target device in conjunction with an action identifier that maps it to a pre-defined target command. Thus only one passthrough object exists at a time.

In reference to claim 7, Shima teaches calling a contained object with different controls and devices wherein the call to the object is made with a decoder. See column 20, lines 1-20.

In reference to claims 8 and 9, Shima's system returns events to the page via a pass-through command. See columns 3-4. The display represents an electronic program guide.

In reference to claims 10 and 11, Shima teaches storing an action list within the controller device and examining the action list when receiving control input.

Claims 12-20 are rejected under the same rationale used above in claims 1 and 4-11 respectively.

In reference to claim 21, Shima teaches a command pass-through functionality. Shima's system comprises the following:

-A panel subunit that uses control objects stored in an object descriptor list to define the physical controls of the target device. The panel subunit defines a set of commands which are to be applied to any of these controls. See column 3, lines 20-35. Compare to ***"establishing a library of dynamically linkable objects . . .such that events are returned back to a calling control object"***.

-An intelligent controller that communicates with a panel subunit of a target device and inquires about various types of controls. The controller generates on its display, a human interface based on these control object descriptions, and when a user

manipulates the interface, the controller sends special user events to the target device. See column 6, lines 1-45 and figure 2. A user interface implemented within the intelligent controller that is coupled within a networked system and has basic input and display capabilities. See figure 2 and column 8, lines 14-36. Compare to ***"establishing a library of dynamically linkable objects . . .such that events are returned back to a calling control object. . .establishing the availability of a plurality of pages defined in a mark-up language that may be selectively displayed and executed by a controlled browser, wherein said controlled browser is controlled by a controlling container object"***.

-The intelligent controller provides a user interface for controlling events on another, remote, target device within the network. The controller communicates with the display device and input device. The panel subunit with which the controller communicates, uses control objects stored in an object descriptor list to define the physical controls of the target device. The control objects are defined with several standard types of controls and displays that are found on electronic devices (buttons, dials, values). The panel subunit defines a set of commands which are to be applied to the controls. The commands apply to most types of controls. See column 3, lines 20-35. Compare to ***"active control objects for controlling operational objects are contained within said container object"***

-A panel subunit configured to receive a pass-through command code in addition to user-interaction commands. Compare to ***"facilitating the establishment of a single***

pass-through object, wherein pages defined in said markup language include a page embedded control object configured to call said pass-through object;"

-The pass-through command is received in addition to the user interaction commands. The command pass-through can be used to communicate focus navigation commands to the target such as up/down/left/right. When such command keys are pressed by the user, a pass-through command code is communicated to the target device and the device can update the user interface accordingly. See columns 3-4. Compare to ***"calling said pass through object. . .interpreting said output information. . .returning input information. . .via said passthrough object"***.

In column 18, lines 25-37, Shima recites, "The target device can be a sub panel for an intelligent television which has embedded software that requires user input, e.g., for web surfing or similar tasks." Shima teaches a pass-through functionality in a display device; however, he does not specifically state that the pages are in markup language or displayed in a browser; however, since Shima teaches that a user interface is implemented within the intelligent controller that is coupled within a networked system and has basic input and display capabilities, it would have been obvious to one of ordinary skill in the art at the time of the invention to extend Shima's system to include a "browser" and markup language pages because a browser is a user interface that is able to communicate with the network and receive pages defined by markup languages. See figure 2 and column 8, lines 14-36. Furthermore, Shima teaches that software for **web surfing** could be implemented within a television sub panel. It was typical and well known in the art at the time of the invention that web surfing utilizes both a web browser

and pages in markup language, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide pass-through functionality in a display device utilizing a browser and pages in markup language since the intelligent controller includes web surfing capabilities which most often includes the use of HTTP protocol using HTML pages and requires the use of a web browser.

Claims 22-27 are rejected under the same rationale used in claims 6-11 respectively above.

(10) Response to Argument

With respect to claims 1-11, Appellant argues that the features of "pages", "pages defined in a mark-up language" and "pages executed by a browser" are not taught by Shima. Appellant further argues there Is no browser, user interface, or markup language shown in Shima. Examiner disagrees. As stated in the rejections above, in column 18, lines 25-37 of Shima, "The target device can be a sub panel for an intelligent television which has embedded software that requires user input, e.g., for **web surfing** or similar tasks." Shima teaches a pass-through functionality in a display device; however, he does not specifically state that the pages are in markup language or displayed in a browser; however, since Shima teaches that a user interface is implemented within the intelligent controller that is coupled within a networked system and has basic input and display capabilities, it would have been obvious to one of ordinary skill in the art at the time of the invention to extend Shima's system to include a "browser" and markup language pages because a browser is a user interface that is able to communicate with the network and receive pages defined by markup languages.

See figure 2 and column 8, lines 14-36. Furthermore, Shima teaches that software for **web surfing** could be implemented within a television sub panel. It was typical and well known in the art at the time of the invention that web surfing utilizes both a web browser and pages in markup language, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide pass-through functionality in a display device utilizing a browser and pages in markup language since the intelligent controller includes web surfing capabilities which most often includes the use of HTTP protocol using HTML pages and requires the use of a web browser.

In providing web surfing capabilities within the television sub panel, Shima is allowing a user to "web surf" which entails the use of the HTTP protocol using HTML pages and requires the use of a web browser. This was not only typical but also well known in the art that a web browser was provided to users in order to provide web surfing capabilities.

Appellant further argues that a "passthrough object" which performs specific functions according to claim 1 is not taught, specifically, "bi-directional passing". Examiner respectfully disagrees. Claim 1 recites the steps of "calling a passthrough object; an initiating one of said page embedded objects calls said passthrough object and passes . . .detailing a desired call to a specified operation object; said pass through object interprets output information received from a page embedded object to generate a call to a contained object that in turn calls the desired operational object; and said passthrough object receives event data from a called operational object and returns input data to said initiating embedded object indicative of said returned event". Shima

teaches the pass-through command is received in addition to the user interaction commands. The command pass-through can be used to communicate focus navigation commands to the target such as up/down/left/right. When such command keys are pressed by the user, a pass-through command code is communicated to the target device and the device can update the user interface accordingly. See columns 3-4.

Appellant argues that Claim 1 recites a "single" passthrough object which is different than Shima's multiple entities having pass through functionality. Examiner disagrees that Shima cannot teach a "single" passthrough object simply because Shima is capable of having multiple entities with pass-through functionality. Just because Shima is capable of having multiple entities with pass-through functionality does not mean that a single passthrough object can be created. There is no evidence in Shima asserting that ONLY multiple objects can be created.

Appellant argues Shima does not teach pages contain an "embedded control object" or that the object calls the passthrough object and further argues that the pages do not contain the visual icon or control panel of Shima. Shima teaches a panel subunit configured to receive a pass-through command code in addition to user-interaction commands. See rejections above. Additionally, Shima teaches in column 18, lines 25-37, "The target device can be a sub panel for an intelligent television which has embedded software that requires user input, e.g., for **web surfing** or similar tasks." Shima teaches a pass-through functionality in a display device; however, he does not specifically state that the pages are in markup language or displayed in a browser; however, since Shima teaches that a user interface is implemented within the intelligent

controller that is coupled within a networked system and has basic input and display capabilities, it would have been obvious to one of ordinary skill in the art at the time of the invention to extend Shima's system to include a "browser" and markup language pages because a browser is a user interface that is able to communicate with the network and receive pages defined by markup languages. See figure 2 and column 8, lines 14-36. Furthermore, Shima teaches that software for **web surfing** could be implemented within a television sub panel. It was typical and well known in the art at the time of the invention that web surfing utilizes both a web browser and pages in markup language, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide pass-through functionality in a display device utilizing a browser and pages in markup language since the intelligent controller includes web surfing capabilities which most often includes the use of HTTP protocol using HTML pages and requires the use of a web browser.

In providing web surfing capabilities within the television sub panel, Shima is allowing a user to "web surf" which entails the use of the HTTP protocol using HTML pages and requires the use of a web browser. This was not only typical but also well known in the art that a web browser was provided to users in order to provide web surfing capabilities. Shima's ability to provide web surfing within the sub panel provides a means for pages contain an "embedded control object" or that the object calls the passthrough object because the sub panel allows for an embedded control object and calling of a passthrough object.

With respect to claims 2 and 3, Appellant argues Shima does not teach self-service terminal. Examiner disagrees. Shima teaches a "self service terminal" in which a graphical display such as a CRT or LCD is used to display text, video, etc. See column 8, lines 14-67 and figure 2. Shima teaches that the self-service terminal can be any device having a display and input capability such as a PDA, cell phone, etc. This can also include an ATM or device that dispenses money or financial transactions.

With respect to claims 12-20, Appellant argues a "single" passthrough object is not taught and further that Shima teaches **multiple** entities having pass through functionality. Examiner disagrees that Shima cannot teach a "single" passthrough object simply because Shima is capable of having multiple entities with pass-through functionality. Just because Shima is capable of having multiple entities with pass-through functionality does not mean that a single passthrough object can be created. There is no evidence in Shima asserting that ONLY multiple objects can be created.

Appellant further argues "selectively displayed . . .by a browser" is not taught by Shima. Shima teaches a user interface implemented within the intelligent controller that is coupled within a networked system and has basic input and display capabilities. See figure 2 and column 8, lines 14-36. Compare to ***"a plurality of pages are defined in a mark-up language that are selectively displayed and executed by a controlled browser"***.

Appellant argues claim 1 and 12 are different because claim 1 generates a call to a "contained object"; whereas, claim 12 generates a call to a "operational object".

Examiner disagrees as claim 1 recites, "generate a call to a contained object ***which in turn calls the desired operational object***".

Appellant argues with respect to claims 21-27, Appellant argues certain claim features are not taught by Shima. It is noted that Appellant merely states that the reference does not teach certain limitations without specifically addressing Examiner's reliance on particular portions of the reference and stating why Appellant believes the portion does not teach what Examiner purports them to teach. Simply stating "the cited reference provides no suggestion for a particular feature" does not illustrate why the portions of the reference does not teach the feature. In fact, in reference to many of the Appellant's arguments, it is noted that Appellant merely states that the reference does not teach certain limitations without specifically addressing Examiner's reliance on particular portions of the reference and stating why Appellant believes the portion does not teach what Examiner purports them to teach. Simply stating "the cited reference provides no suggestion for a particular feature" does not illustrate why the portions of the reference does not teach the feature.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Rachna Singh

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1/8/2006